

## REMARKS

### INTRODUCTION:

In accordance with the foregoing, claims 2 and 3 have been canceled and claims 1, 8, 11, 14, 30, 32, and 33 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, and 4-39 are pending and under consideration.

### ALLOWABLE SUBJECT MATTER:

In the Office Action, at page 4, the Examiner indicated that claim 39 is allowed and claims 6-29, 31, and 33-37 would be allowable if rewritten in independent form. Applicants respectfully submit that claims 8 and 11 have been rewritten in independent form and that claims 8-136 are now allowable. Applicants hold rewriting of the remainder of the Examiner-noted claims in abeyance until the Examiner has had the opportunity to review the arguments presented herein.

### REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 2, the Examiner rejected 1-5 under 35 U.S.C. §102(b) as being anticipated by Korean Patent 20-182808 (hereinafter "the '808 patent"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Applicants respectfully submit that the subject matter of claims 2 and 3 have been incorporated into independent claim 1.

Amended, independent claim 1 recites: "...a pair of sliders connected with the body bracket; a pair of guide rails provided parallel to each other to stand on the base part at a predetermined distance from each other, and to guide the sliders to slide thereon so as to move the monitor body up and down, the sliders corresponding to the guide rails to be engaged therewith; at least one spiral spring having an elasticity enough to support weight of the monitor body, to extend and contract in response to a movement of the slider; a guide bracket coupled to the guide rails; and a spring supporting block provided between the sliders, wherein the at least one spiral spring has a first end coupled to the guide bracket and a second end coupled to the spring supporting block."

The '808 patent appears to disclose base part 200; a monitor body 100; a body bracket fixedly coupled to the monitor body (as shown in FIG. 2); a slider 110 connected with the body bracket; a guide rail 210 to stand on the base part 200, and to guide the slider 110 to slide thereon so as to move the monitor body 100 up and down; and at least one spiral spring 312 having an elasticity enough to support weight of the monitor body, to extend and contract in response to a movement of the slider 110.

But the Examiner asserts that the '808 patent discloses the subject matter of claims 3 and 5. Applicants respectfully disagree.

For example, contrary to the requirements of claim 3, guide bracket 111 is not coupled to guide rails 210, since guide bracket 111 is inside slider 110. Additionally spring supporting block 311 is not provided between sliders 110. As shown by the dotted/solid line combination in FIG. 3 of the '808 patent, supporting block 311 is part of guide rail 210. If the supporting block 311 was provided between the sliders 110, as asserted by the Examiner, the device could not function.

Further, regarding the subject matter of claim 5, it is unclear what basis the Examiner is using to assert that one of the spiral springs 312 is positioned in front of guide bracket 111 and one is positioned in back of guide bracket 111. FIG. 3 of the '808 patent appears to disclose that the spiral springs 312 are disposed equidistantly from a front of slider 110.

Applicants respectfully submit that the '808 patent fails to disclose every element of the claims, arranged as required by the claims, and thus, that the Examiner has not provided sufficient evidence to maintain a prima facie anticipation rejection of claims 1, 4, and 5.

#### REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 3, the Examiner rejected claims 1-4, 30, 32 and 38 under 35 U.S.C. §103(a) as being unpatentable over Sweere et al. (U.S. Patent No. 6,189,849 – hereinafter Sweere) in view of Damico et al., (US 4,601,246– hereinafter Damico). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

As a general matter, to establish a prima facie obviousness rejection, the Examiner needs to provide evidence of the existence of individual elements corresponding to the recited limitations, a motivation to combine the individual elements to create the recited invention, and a reasonable expectation of success. (See MPEP, at 2143 – “[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.” *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.

Cir. 1991).”, and at 2143.03 – “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.’ In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”).

Should the Examiner fail to provide evidence that the individual elements exist in the prior art, or that the motivation exists in the prior art or in the knowledge generally available to one of ordinary skill in the art, then the Examiner has not provided sufficient evidence to maintain a *prima facie* obviousness rejection of the claim. (See MPEP, at 2143.03, and 2143.01). Thus, the burden is initially on the Examiner to provide evidence as to why one of ordinary skill in the art would have been motivated to combine the individual elements to create the recited invention, and to demonstrate that this evidence existed in the prior art or in the knowledge generally available to one of ordinary skill in the art. (MPEP 2143.01).

Sweere discloses a vertical lift system 10 for a monitor 12 and a keyboard 14. extender channels 40a and 42a are connected to planar support panel 16. Extendable rails 40 and 42 slide in extender channels 40a and 42a, respectively. Monitor mounting channel 34 is fixedly connected to extender rails 40 and 42 (via right and left tabs 34a and 34b) to move therewith. Pivot mount 36 is mounted on monitor mounting channel 34. Monitor 12 is mounted to pivot mount 36.

Similarly, keyboard mounting channel 28 is fixedly connected to extender rails 40 and 42 (via right and left tabs 28a and 28b) to move therewith. Pivot mount 30 is mounted on keyboard mounting channel 28. keyboard tray 32 is mounted to pivot mount 30, and keyboard 14 is mounted to keyboard tray 32. (See Sweere, at FIGS. 1-3, and col. 3, line 35 to col. 5, line 9).

Applicants respectfully submit that, contrary to the Examiner’s assertion, keyboard 14 is not a base part.

As shown in FIGS. 5 and 6 of Sweere, keyboard tray 32, to which keyboard 14 is mounted, moves with extender rails 40 and 42.

Thus, Applicants respectfully submit that Sweere does not disclose a base part, and extender rails 40 and 42 do not stand on a base part, as required in independent claims 1 and 38. And, contrary to the Examiner’s assertion, Applicants respectfully submit that pivot mount 36 does not connect either the extender rails 40 and 42 or the extender channels 40a and 42a to monitor mounting channel 34.

Additionally, Sweere discloses that the lift system is preferably wall mounted, but notes that the system can be mounted to other surfaces or supports. (See Sweere, at col. 1, lines 29-

31). But contrary to the Examiner's assertion, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine the device of Sweere with a base part, such as the claimed base part, since Sweere states that significant aspects and advantages of the device in Sweere include a lift system with a minimum profile, and a lift system to be used in space restricted areas, passages, or hallways, where egress or passage would not be hampered by the device. (See Sweere, at col. 2, lines 13-20).

Applicants respectfully submit that Damico fails to cure these defects.

Accordingly, Applicants respectfully submit that the Sweere and Damico, either alone or in combination, fail to disclose every element of the claims, arranged as required by the claims, and thus, that the Examiner has failed to provide evidence that the individual elements exist in the prior art, and therefore, the Examiner has not provided sufficient evidence to maintain a prima facie obviousness rejection of the claims.

Further, regarding combining Sweere with Damico, the Examiner asserts that the motivation to combine the references would be to bias the device in a lifting manner. But Sweere itself provides lifting assistance via linkage assembly 44. (See Sweere, at col. 5, lines 25-34). Accordingly, Applicants respectfully submit that the Examiner has failed to provide evidence as to why one of ordinary skill in the art would be motivated to look outside of Sweere to solve a problem that is addressed by the device in Sweere.

Thus, Applicants respectfully submit that the Examiner has failed to provide evidence as to why one of ordinary skill in the art would have been motivated to combine the individual elements to create the recited invention, and to demonstrate that this evidence existed in the prior art or in the knowledge generally available to one of ordinary skill in the art. Thus, Applicants respectfully submit that the Examiner has not provided sufficient evidence to maintain a prima facie obviousness rejection of the claims.

#### CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

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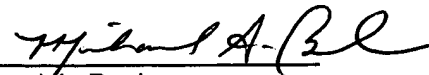
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By:   
Michael A. Bush  
Registration No. 48,893

1201 New York Avenue, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501